ATENT COOPERATION TR	TY	

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark

Office (Box PCT) Crystal Plaza 2

Washington, DC 20231 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

11 February 1999 (11.02.99)

International application No. PCT/AU98/00484

International filing date (day/month/year)

23 June 1998 (23.06.98)

Applicant's or agent's file reference

GRM:FP9835

Priority date (day/month/year)

23 June 1997 (23.06.97)

Applicant

CONOCHIE, David, Stewart

The designated Office is hereby notified of its election made:
X in the demand filed with the International Preliminary Examining Authority on:
22 January 1999 (22.01.99)
in a notice effecting later election filed with the International Bureau on:
The election X was
was not
made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under
Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Maria Victoria CORTIELLO

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GRM:FP 9835	FOR FURTHER ACTION		f Transmittal of International Preliminary ort (Form PCT/IPEA/416).		
International application No.	International filing date	onal filing date (day/month/year) Priority Date (day/month/year)			
PCT/AU 98/00484	23 June 1998		23 June 1997		
International Patent Classification (IPC)	or national classification	and IPC			
Int. Cl. ⁶ F28D 13/00, 21/00					
Applicant			-		
(1) KFX INC. (2) CONOCHIE, David Stewa	ırt				
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			·		
1. This international preliminary	examination report has I	peen prepared by thi	s International Preliminary Examining		
Authority and is transmitted to	the applicant according	to Article 36.	·		
2. This REPORT consists of a to	tal of 5 sheets, includ	ing this cover sheet.			
This report is also accom	panied by ANNEXES, i	.e., sheets of the des	scription, claims and/or drawings which have		
Rule 70.16 and Section (607 of the Administrative	d/or sneets containing e Instructions under	ng rectifications made before this Authority (see the PCT).		
These annexes consist of a total	al of sheet(s).				
3. This report contains indications relati	ng to the following items	s:			
I X Basis of the repor	t				
II Priority					
	nt of opinion with regard	to novelty, inventiv	re step and industrial applicability		
IV X Lack of unity of i			-		
	ent under Article 35(2) wanations supporting such		y, inventive step or industrial applicability;		
VI Certain document	s cited				
VII Certain defects in	the international applica	ition			
VIII X Certain observation	ons on the international a	application			
Detection of the state of the s					
Date of submission of the demand 22 January 1999		Date of completion of the report 29 July 1999			
Name and mailing address of the IPEA/	AU A	Authorized Officer			
AUSTRALIAN PATENT OFFICE PO BOX 200		1.0.ko.10	Shegg www h-		
WODEN ACT 2606 AUSTRALIA	A	SOKA DIAS-AB	EYGUNAWARDENA		
Facsimile No. (02) 6285 3929	т.	Telephone No. (02) 6283 2141			

, INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU 98/00484

With regard to the elements of the international application:* The international application as originally filed.	I.,	Basis of the report
the description, pages , as originally filed, pages , filed with the demand, pages , filed with the demand, pages , filed with the letter of . the claims, pages , as originally filed, pages , as originally filed, pages , filed with the demand, pages , filed with the demand, pages , filed with the letter of . the drawings, pages , as originally filed, pages , filed with the letter of . the drawings, pages , filed with the letter of . the sequence listing part of the description: pages , filed with the letter of . the sequence listing part of the description: pages , filed with the letter of . with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished for the purposes of international sage. (under Rule 23.1(b)). the language of a translation furnished for the purposes of international application (under Rule 48.3(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international application, was on the basis of the sequence listing: contained in the international application in original pages of the sequence listing: contained in the international application in written form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in ormputer readable form. furnished subsequently to this Authority in ormputer readable form. furnished subsequently to this Authority in ormputer readable form. furnished subsequently to this Authority in ormputer readable form. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the claims, Nos. the claims, Nos. the drawings, sheets/fig This report has	1.	With regard to the elements of the international application:*
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The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished 4. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/fig 5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this		
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the claims, Nos. the drawings, sheets/fig This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this	4.	The amendments have resulted in the cancellation of:
the drawings, sheets/fig This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this		the description, pages
5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this		the claims, Nos.
to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this		the drawings, sheets/fig
	5.	
** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report		report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

■ INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU 98/00484

IV.	Lack of unity of invention
1.	In response to the invitation to restrict or pay additional fees the applicant has:
	restricted the claims.
	paid additional fees.
	paid additional fees under protest.
	neither restricted nor paid additional fees.
2.	This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3.	This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
	X complied with.
	not complied with for the following reasons:
4.	Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
	X all parts.
	the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU 98/00484

V: Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-17

Claims

YES NO

Inventive step (IS)

Claims 1-17

Claims

YES

NO

Industrial applicability (IA)

Claims 1-17

Claims

YES NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N): Claim 1-17

WO 91/17391 A (ABB STAL AB) 14 November 1991 AU 41497/93 (666016) B (METALLAGESELLSCHAFT AKTIENGESELL SHAFT) 6 January 1994 US 4493157 A (GORDON R WICKER) 15 January 1985 US 4213752 (WALTER H.SEITZER) 22 July 1980

None of the citations discloses all of the features of any one of the above claims.

INVENTIVE STEP (IS):

As above

. INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU 98/00484

VIII. Certain observations on the international application	
The following observations on the clarity of the claims, description, and drawings or on the question wheth supported by the description, are made:	ner the claims are fully
Claims 14-16 are not succinct due to the use of the word "preferred".	
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PATENT COOPERATION TREATY 1 rom the: INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY To: Griffith Hack WRITTEN OPINION GPO Box 1285K MELBOURNE VIG 3001 (PCT Rule 66) Date of mailing -9 FEB 19**9**9 (day/month/year) within TWO MONTHS REPLY DUE Applicant's or agent's file reference from the above date of mailing GRM: FP 9835 Priority Date (day/month/year) International filing date (day/month/year) International application No. 23 June 1997 23 June 1998 PCT/AU 98/00484 International Patent Classification (IPC) or both national classification and IPC F28D 13/00, 21/00 Int. Cl.6 Applicant (1) KFx INC. CONOCHIE, David Stewart (2) This written opinion is the first (first, etc) drawn by this International Preliminary Examining Authority. 1. This opinion contains indications relating to the following items:. 2. Basis of the opinion I Priority II Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Ш Lack of unity of invention IV Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; ν citations and explanations supporting such statement Certain documents cited VI Certain defects in the international application VII Certain observations on the international application VIII The applicant is hereby invited to reply to this opinion. See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to When? grant an extension, see Rule 66.2(d). By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. How? For the form and the language of the amendments, see Rules 66.8 and 66.9. For an additional opportunity to submit amendments, see Rule 66.4. Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion. The final date by which the international preliminary examination report must be established 4. according to Rule 69.2 is: 23 October 1999

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929	Authorized Officer ASOKA DIAS-ABEYGUNAWARDENA Telephone No. (02) 6283 2141
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WRITTEN OPINION

International application No.

Basis of the opinion		PCT/AU 98/00484
1. With regard to the elements	of the international application:*	
	as originally filed,	
	· · · · · · · · · · · · · · · · · · ·	
the claims		
uie ciamis,	pages , as originally filed,	
	· · · · · · · · · · · · · · · · · · ·	
	pages, filed with the letter of.	
the drawings,	pages, as originally filed,	
	·	
the sequence lis		
	the elements of the international application.* the international application as originally filed. the description, pages , as originally filed, pages , filed with the demand, pages , filed with the letter of . the claims, pages , as originally filed, pages , as originally filed, pages , as mended under Article 19, pages , filed with the letter of . the drawings. pages , as originally filed, pages , filed with the letter of . the drawings. pages , as originally filed, pages , filed with the letter of . the sequence listing part of the description: pages , as originally filed pages , as originally filed pages , filed with the demand, pages , as originally filed pages , as originally filed pages , filed with the demand pages , filed with the demand pages , filed with the cletter of the sequence listing part of the description: pages , as originally filed pages , filed with the cletter of the sequence listing part of the description: pages , filed with the cletter of the sequence listing the letter of the pages of the service indicated under this item. available or furnished to this Authority in the following language which is: to of a translation furnished for the purposes of international ganguage which is: to of the translation furnished for the purposes of international preliminary examination (under Rules 55.2). the clettide and/or amino acid sequence disclosed in the international application, the written opinion was the sequence listing: the international application in printed form. with the international application in computer readable form. sequently to this Authority in computer readable form. sequently to this Authority in computer readable form is identical to the written sequence listing has that the subsequently furnished written sequence listing does not go beyond the disclosure in the pupilization in pages that the information recorded in computer readable form is identical to the written sequence listing has that	
	S , filed with the letter of	
the language of publication	n of the international application (under Rule 48	earch (under Rule 23.1(b)).
and/or 55.3).	tion furnished for the purposes of international p	preliminary examination (under Rules 55.2
With regard to any nucleotide and/odrawn on the basis of the sequence li	or amino acid sequence disclosed in the internatisting:	ational application, the written opinion was
contained in the internationa	al application in printed form.	
filed together with the intern	national application in computer and the s	
ramisfied subsequently to thi	is Authority in written form	
Basis of the opinion With regard to the elements of the international application:* The international application as originally filed.		
international application as fi	quently furnished written sequence listing does r	not go beyond the disclosure in the
been furnished.	nation recorded in computer readable form is ide	entical to the written sequence listing has
Basis of the opinion 1. With regard to the elements of the international application:*		
		!
	_	!
This opinion has been est	ablished as if (some of) the amendments had no	ot been made, since they have been
Toomsidered to go beyond	and disclosure as fried, as indicated in the Suppl	Temental Rox (Rule 70 2(c))

International application No.

PCT/AU 98/00484

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; V. citations and explanations supporting such statement

Statement 1.

> YES Claims 1-17 Novelty (N) NO Claims

> YES Claims 1-17 Inventive step (IS)

NO Claims

YES Industrial applicability (IA) Claims 1-17 NO

Claims

Citations and explanations 2.

NOVELTY (N): Claims 1-17

WO 91/17391 A (ABB STAL AB) 14 November 1991 AU 41497/93 (666016) B (METALLAGESELLSCHAFT AKTIENGESELLSHAFT) 6 January 1994 US 4493157 À (GORDON R. WICKER) 15 January 1985 US 4213752 (WALTER H. SEITZER) 22 July 1980

None of the citations discloses all of the features of any one of the above claims.

INVENTIVE STEP (IS):

As above.

International application No.

V ш.	Certain observations	on the internation	al application		PCT/AU 98/00484	
The follow	ving observations on the	olaria o :			·	
supported	by the description, are n	clarity of the claims	s, description, and draw	ings or on the qu	estion whether the claims are	
Claire 1					and the claims are	ful,
Claims 1	1-16 are not succinct d	ue to the use of the	e word "preferred".			
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